

**REMARKS**

Favorable reconsideration is respectfully requested in view of the foregoing amendments and the following remarks.

**I. CLAIM STATUS & AMENDMENTS**

Claims 6 and 134 are pending upon entry of the amendment filed June 21, 2007.

New claim 135 has been added, which is directed to using the protein encoded by the nucleotide sequences of SEQ ID NOS: 160 and 161 and sequences which hybridize thereto under stringent conditions. Support can be found in the disclosure, for example, at page 22, lines 1-8 and lines 21-37, page 37, lines 34-36 and page 42, lines 8-15. The nucleotide sequences of SEQ ID NOS: 160 and 161 correspond to the sequences encoding the proteins of SEQ ID NOS: 96 and 97 as set forth in the disclosure.

No new matter has been added.

Claims 6, 134 and 135 are pending upon entry of this amendment.

**II. WRITTEN DESCRIPTION REJECTION**

It is respectfully submitted that new claim 135 should not be included in the written description rejection of claims 1-2 and 6 under 35 U.S.C. § 112, first paragraph, set forth on pages 3-6 of the last Office Action.

Claim 135 is directed to a protein encoded by the specific nucleotide sequences of SEQ ID NOS: 160 and 161 and sequences which hybridize thereto under the recited stringent conditions, and which retain protein functionality. Applicants were clearly in possession of SEQ ID NOS: 160 and 161 at the time of filing as evidenced by the disclosure at page 22, lines 1-8 and lines 21-37, page 37, lines 34-36 and page 42, lines 8-15. Further, one skilled in the art could readily envision and make the limited number of sequences which hybridize thereto under the recited stringent conditions based on the guidance and representative examples set forth in

the disclosure. For this reason, new claim 135 should not be included in the previous written description rejection.

### III. ANTICIPATION REJECTION

It is respectfully submitted that new claim 135 should not be included in the anticipation rejection of claims 1-2 and 6 under 35 U.S.C. § 102(b) over Kumar (US 6,310,048), set forth on pages 7-8 of the last Office Action. New claim 135 is directed to a method of using a protein encoded by certain nucleotide sequences. As noted in the last response, Kumar is silent about the ability of interacting with a c-Fos protein. Kumar fails to teach using the protein in a method for inhibiting complex formation between a target protein and the c-Fos protein. Therefore, Kumar fails to disclose or suggest the invention of new claim 135.

### CONCLUSION

In view of the foregoing amendments and remarks, it is respectfully submitted that the present application is in condition for allowance and early notice to that effect is hereby requested. If the Examiner has any comments or proposals for expediting prosecution, please contact the undersigned attorney at the telephone number below.

Respectfully submitted,

Etsuko MIYAMOTO et al.

By:   
Jay E. Williams  
Registration No. 48,036  
Attorney for Applicants

JFW  
Washington, D.C. 20006-1021  
Telephone (202) 721-8200  
Facsimile (202) 721-8250  
June 28, 2007